

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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In Re: W.R. GRACE & CO., et al.,	)	CHAPTER 11
	)	
	)	BANKRUPTCY NO. 01-01139 (JKF)
	)	
DEBTORS.	)	(Jointly Administered)

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**DECLARATION OF BURKE D. JACKOWICH**  
**IN SUPPORT OF CLAIMANTS' MOTION TO STRIKE PROOFS OF CLAIM AND**  
**RESPONSE TO DEBTORS' PROPOSED ORDER SETTING INITIAL SCHEDULE FOR**  
**LITIGATION CONCERNING ZONOLITE ATTIC INSULATION PRODUCT RISK**

BURKE D. JACKOWICH, makes the following declaration:

1. My name is Burke D. Jackowich. I am counsel in the above-captioned action, competent to testify, and provide the following information of my own personal knowledge and/or belief.
2. Attached as Exhibit A is a true and correct copy of a 1978 (dated April 3, 1975 [sic]) performance report of W.R. Grace's U.S. Zonolite operations documenting the tonnage of milling capacity at the Libby operation.
3. Attached as Exhibit B is a true and correct copy of a memo to Bettacchi from Ciampa re: Monthly Report of Insulation Sales (September 1983).
4. Attached as Exhibit C is a true and correct copy of a September 12, 1956 report from Benjamin Wake, acting industrial hygiene engineer for the Montana Department of

Environmental Quality, to Dohrman H. Byers, Assistant Chief, Toxicological Section of the United States Public Health Service, documenting the asbestos content in the Zonolite ore in its relationship to asbestos in the dust in the air pertaining to vermiculite mined at Libby, Montana.

5. Attached as Exhibit D is a true and correct copy of a memo dated 4/19/1977 to Wood from Yang regarding Tremolite content of Zonolite products.

6. Attached as Exhibit E is a true and correct copy of a memo dated May 24, 1977 from E.S. "Chip" Wood, Executive Vice-President of Zonolite Operations, to Charles N. Graf, Vice-President of W.R. Grace & Co. for the Industrial Chemicals Division and other high level Grace Executives. The first page of Exhibit E is a demonstrative exhibit created to highlight some of the quotations found within the memo.

7. Attached as Exhibit F is a true and correct copy of the Affidavit of Henry A. Anderson, M.D. (July 20,2000).

8. Attached as Exhibit G is a true and correct copy of a NIOSH Pamphlet No. 81-103, Workplace Exposure to Asbestos (November 1980), p.3.

9. Attached as Exhibit H is a true and correct copy of an EPA Report to Congress of *Asbestos-Containing Materials in Public Buildings*, February 1988, p.5.

10. Attached as Exhibit I is a true and correct copy of the EPA Orange Book, *Asbestos-Containing Materials in School Buildings: A Guidance Document* (March 1979), Part I, p.1.

11. Attached as Exhibit J is a true and correct copy of information obtained from the U.S. Census Bureau web site (<http://www.census.gov>) entitled "Expenditures for Residential Improvements and Repairs by Property Type, Quarterly 1962-1998."

12. Attached as Exhibit K is a true and correct copy of information obtained from the U.S. Census Bureau web site (<http://www.census.gov>) entitled "Expenditures to Owner-Occupied Properties by Type of Job: 1993 to 1998" and "Expenditures to Rental Properties by Type of Job 1993 to 1998."

13. Attached as Exhibit L is a true and correct copy of information obtained from the U.S. Census Bureau web site (<http://www.census.gov>) entitled "Expenditures for Improvements and Repairs of Residential Properties Second Quarter 1999" with attached Tables showing Expenditures for Maintenance and Repairs and Improvement for 1988 to 1999.

14. Attached as Exhibit M is a true and correct copy of a report dated August 8-9, 1956 by the Montana State Board of Health on Zonolite Operation at Libby, Montana.

15. Attached as Exhibit N is a true and correct copy of a July 20, 1959 report from Libby physician J.M. Cairns to the manager of the Libby mine documenting 48 abnormal chest X-rays out of 130 people examined.

16. Attached as Exhibit O is a true and correct copy of a letter dated June 14, 1961 from Earl Lovick, manager of the Zonolite mill in Libby, Montana to C.A. Pratt, Vice -President of Western Mineral Products Company documenting Grace's knowledge of the large amount of asbestos dust generated by the vermiculite mined in Libby.

17. Attached as Exhibit P is a true and correct copy of a 10/06/1964 Chicago Daily News article entitled "Suspect Asbestos a Cancer Source."

18. Attached as Exhibit Q is a true and correct copy of a report with a cover letter dated May 11, 1964 of the Montana State Board of Health regarding the asbestos problems arising out of Libby's handling of vermiculite.

19. Attached as Exhibit R is a true and correct copy of a study performed by Grace documenting incidence of lung disease among Libby workers from 17% of the one to five year service group, "climbing to 92% in the 21 to 25 year service group." Attached to this Grace document is a color demonstrative exhibit graphing the data from the exhibit summary.

20. Attached as Exhibit S is a true and correct copy of March 1969 memos from Charles Dugan and Peter Kostic of Grace's Industrial Hygiene Department copied to high-level Grace executives including Rodney Vining, President of the Construction Products Division and

R.W. Sterrett, Vice-President of the Zonolite operations. Attached is a demonstrative exhibit.

21. Attached as Exhibit T is a true and correct copy of a April 1, 1977 memo from R.C. Ericson, counsel for Grace to E.S. "Chip" Wood and other Grace officers concerning whether to put warnings on Zonolite Attic Insulation.

22. Attached as Exhibit U is a true and correct copy of a March 11, 1976 memo to H.A. Brown, Executive Vice-President of Zonolite Operations documenting Grace's knowledge of the excessive fiber levels generated by use of Zonolite Attic fill. Attached is a demonstrative exhibit.

23. Attached as Exhibit V is a true and correct copy of pages from the 10/23/1991 deposition of Robert Junker together with a demonstrative exhibit.

24. Attached as Exhibit W is a true and correct copy of a 11/1/1985 memo regarding lung cancer risk assessment (30,000 people).

25. Attached as Exhibit X is a true and correct copy of "Asbestos in Vermiculite Insulation," US EPA Office of Pollution Prevention and Toxics (December 29, 2000).

26. Attached as Exhibit Y is a true and correct copy of a Laboratory Report dated April 10, 2000 from three Zonolite samples.

27. Attached as Exhibit Z is a true and correct copy of the Affidavit of Richard Hatfield.

28. Attached as Exhibit AA is a true and correct copy of OSHA Fed. Reg., Vol. 59, No. 153, august 10, 1994, at p. 40978.

29. Attached as Exhibit BB is a true and correct copy of EPA, Asbestos-Containing Material in Schools, Final Rule and Notice, 52 Fed. Reg. 41826 (October 30, 1987).

30. Attached as Exhibit CC is a true and correct copy of a July 11, 1976 report of testing of asbestos generation by simulated tests installing ZAI conducted out of Grace's expanding plant near Weedsport, New York Attached to the Exhibit is a demonstrative exhibit.

31. Attached as Exhibit DD is a true and correct copy of a 4/10/1980 letter to Ray from Wood regarding testing and protocols.

32. Attached as Exhibit EE is a true and correct copy of a 3/25/1980 memo to McCord from Eaton regarding Consumer Products.

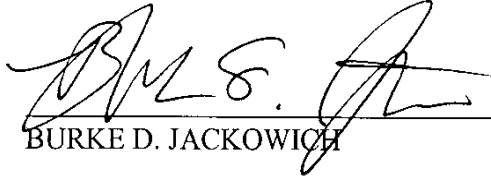
33. Attached as Exhibit FF is a true and correct copy of an early Zonolite brochure documenting the public representations concerning the safety of ZAI.

34. Attached as Exhibit GG is a true and correct copy of advertisements used to market Zonolite vermiculite insulation in November 1960. Attached is a demonstrative exhibit.

35. Attached as Exhibit HH is a true and correct copy of the Affidavit of John Holbrook (July 21, 2000).

36. Attached as Exhibit II is a true and correct copy of a chart of the issue that would need to be litigated during any Zonolite hearing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed this 10th day of May, 2001, in Spokane, Washington.

  
BURKE D. JACKOWICH